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09/838,135	04/20/2001	Raymond E. Suorsa	200704494-1	9527
22879 7590 06/01/2010 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				
EXAMINER				
HOSSAIN, TANIM M				
ART UNIT		PAPER NUMBER		
2445				
NOTIFICATION DATE		DELIVERY MODE		
06/01/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

09/838,135

**Applicant(s)**

SUORSA ET AL.

**Examiner**

Tanim Hossain

**Art Unit**

2445

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 4-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

In view of the Appeal Brief filed on February 27, 2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Vivek Srivastava/

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, and 4-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "at least one command". There is insufficient antecedent basis for this limitation in the claim, as it is unclear whether the "at least one command" corresponds to the "at least one unsolicited software retrieval command," as disclosed earlier in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, and 4-65 are rejected under 35 U.S.C. 102(c) as being anticipated by Moshir (U.S. 2002/0100036).

As per claim 1, Moshir teaches a method for automated provisioning of computer networks, comprising the steps of: receiving, by a network device to be provisioned, at least one unsolicited software retrieval command, sent by a secure provisioning network connected via a network to the network device, to be executed on said network device (Abstract; paragraphs

0062-0064); reading, by said provisioning network, parameters of said network device from a network database, said reading being responsive to an inquiry based on the at least one command and received from said network device (paragraphs 0022-0024, 0031, 0059, 0086-0087); determining, by said provisioning network, whether the at least one command can be properly executed on said network device based upon the parameters read (paragraphs 0078-0083, 0088); executing the at least one command on said network device only if it is determined that the at least one command can be properly executed (paragraphs 0088-0101).

As per claim 2, Moshir teaches the method of claim 1, wherein the at least one command is executed by an agent on said network device, the agent being configured to manipulate all of the software on the network device (0020).

As per claim 4, Moshir teaches the method of claim 1, further comprising verifying the validity of the command by requesting verification from the secure provisioning network (0088).

As per claim 5, Moshir teaches the method of claim 4, wherein the step of verifying is accomplished by way of communicating with a communication gateway of the secure provisioning network (Figure 1).

As per claim 6, Moshir teaches the method of claim 1, wherein the step of determining is based on reading software packaging parameters (0081).

As per claim 7, Moshir teaches the method of claim 6, wherein the software packaging parameters comprise compatibility requirements (0024, 0081).

As per claim 8, Moshir teaches the method of claim 6, wherein the software packaging parameters comprise software roles (0024, 0081).

As per claim 9, Moshir teaches the method of claim 7, wherein the compatibility requirements comprise software roles compatibility requirements (0024, 0081).

As per claim 10, Moshir teaches the method of claim 6, wherein the software packaging parameters comprise operating system (OS) parameters (0024, 0081, 0084-0085).

As per claim 11, Moshir teaches the method of claim 7, wherein the compatibility requirements comprise operating system (OS) compatibility requirements (0024, 0081, 0084-0085).

As per claim 12, Moshir teaches the method of claim 6, wherein the software packaging parameters comprise parameters regarding specific customer account requirements (0024, 0081, 0084-0085).

As per claim 13, Moshir teaches the method of claim 7, wherein the compatibility requirements comprise requirements regarding specific customer account compatibility (0024, 0070, 0081, 0084-0085).

As per claim 14, Moshir teaches the method of claim 8, wherein the software roles comprise customer account software roles (0024, 0081, 0084-0085).

As per claim 15, Moshir teaches the method of claim 9, wherein the software roles compatibility requirements comprise customer account software roles compatibility requirements (0024, 0081, 0084-0085).

As per claim 16, Moshir teaches the method of claim 6, wherein the software packaging parameters comprise device parameters (0024, 0081, 0084-0085).

As per claim 17, Moshir teaches the method of claim 16, wherein the device parameters comprise device interface parameters (0024, 0081, 0084-0085).

As per claim 18, Moshir teaches the method of claim 17, wherein the device interface parameters comprise device internet protocol (IP) address parameters (0024, 0081, 0084-0085).

As per claim 19, Moshir teaches the method of claim 17, wherein the interface parameters comprise interface type parameters (0024, 0081, 0084-0085).

As per claim 20, Moshir teaches the method of claim 16, wherein the device parameters comprise interface components parameters (0024, 0081, 0084-0085).

As per claim 21, Moshir teaches the method of claim 16, wherein the device parameters comprise memory components parameters (0024, 0081, 0084-0085).

As per claim 22, Moshir teaches the method of claim 16, wherein the device parameters comprise storage components parameters (0024, 0081, 0084-0085).

As per claim 23, Moshir teaches the method of claim 16, wherein the device parameters comprise central processing unit (CPU) parameters (0024, 0081, 0084-0085).

As per claim 24, Moshir teaches the method of claim 7, wherein the compatibility requirements comprise device compatibility requirements (0024, 0081, 0084-0085).

As per claim 25, Moshir teaches the method of claim 24, wherein the device compatibility requirements comprise interface compatibility requirements (0024, 0081, 0084-0085).

As per claim 26, Moshir teaches the method of claim 25, wherein the interface compatibility requirements comprise IP compatibility requirements (0024, 0081, 0084-0085).

As per claim 27, Moshir teaches the method of claim 25, wherein the interface compatibility requirements comprise interface type compatibility requirements (0024, 0081, 0084-0085).

As per claim 28, Moshir teaches the method of claim 24, wherein the device compatibility requirements comprise interface components compatibility requirements (0024, 0081, 0084-0085).

As per claim 29, Moshir teaches the method of claim 24, wherein the device compatibility requirements comprise memory components compatibility requirements (0024, 0081, 0084-0085).

As per claim 30, Moshir teaches the method of claim 24, wherein the device compatibility requirements comprise storage components compatibility requirements (0024, 0081, 0084-0085).

As per claim 31, Moshir teaches the method of claim 24, wherein the device compatibility requirements comprise central processing unit (CPU) components compatibility requirements (0024, 0081, 0084-0085).

As per claim 32, Moshir teaches the method of claim 8, wherein software roles compatibility requirements comprise device roles compatibility requirements (0024, 0081, 0084-0085).

As per claim 33, Moshir teaches the method of claim 9, wherein the software roles comprise device roles (0024, 0081, 0084-0085).

As per claim 34, Moshir teaches the method of claim 6, wherein the software packaging parameters comprise application packaging parameters (0024, 0081, 0084-0085).

As per claim 35, Moshir teaches the method of claim 7 wherein the compatibility requirements comprise application compatibility requirements (0024, 0081, 0084-0085).



As per claim 36, Moshir teaches the method of claim 8, wherein the software roles comprise application software roles (0024, 0081, 0084-0085).

As per claim 37, Moshir teaches the method of claim 36, wherein the application software roles define a group of services (0024, 0081, 0084-0085).

As per claim 38, Moshir teaches the method of claim 9, wherein the software roles compatibility requirements comprise application roles compatibility requirements (0024, 0081, 0084-0085).

As per claim 39, Moshir teaches the method of claim 38, wherein the application roles compatibility requirements define a group of services (0024, 0081, 0084-0085).

As per claim 40, Moshir teaches the method of claim 6, wherein the software packaging parameters relate to a variety of network service tiers (0024, 0081, 0084-0085).

As per claim 41, Moshir teaches the method of claim 7, wherein the compatibility requirements are defined according to a variety of network service tiers (0070).

As per claim 42, Moshir teaches the method of claim 6, wherein the software packaging parameters are defined by way of configuration parameters (0031).

As per claim 43, Moshir teaches the method of claim 42, wherein the configuration parameters comprise device configuration parameters (0031).

As per claim 44, Moshir teaches the method of claim 42, wherein the configuration parameters comprise interface configuration parameters (0031).

As per claim 45, Moshir teaches the method of claim 42, wherein the configuration parameters comprise virtual IP address parameters (0046).

As per claim 46, Moshir teaches the method of claim 42, wherein the configuration parameters comprise component type parameters (0046).

As per claim 47, Moshir teaches the method of claim 42, wherein the configuration parameters comprise role configuration parameters (0046).

As per claim 48, Moshir teaches the method of claim 47, wherein the role configuration parameters comprise device role configuration parameters (0024, 0081, 0084-0085).

As per claim 49, Moshir teaches the method of claim 48, wherein the device role configuration parameters comprise device role history configuration parameters (0024, 0081, 0084-0085).

As per claim 50, Moshir teaches the method of claim 7, wherein the compatibility requirements comprise configuration compatibility requirements (0024, 0081, 0084-0085).

As per claim 51, Moshir teaches the method of claim 50, wherein the configuration compatibility requirements comprise device configuration compatibility requirements (0024, 0081, 0084-0085).

As per claim 52, Moshir teaches the method of claim 50, wherein the configuration compatibility requirements comprise interface configuration compatibility, requirements (0024, 0081, 0084-0085).

As per claim 53, Moshir teaches the method of claim 50, wherein the configuration compatibility requirements comprise virtual IP address compatibility requirements (0024, 0081, 0084-0085).

As per claim 54, Moshir teaches the method of claim 50, wherein the configuration compatibility requirements comprise component type configuration compatibility requirements (0024, 0081, 0084-0085).

As per claim 55, Moshir teaches the method of claim 50, wherein the configuration compatibility requirements comprise role configuration compatibility requirements (0024, 0081, 0084-0085).

As per claim 56, Moshir teaches the method of claim 55, wherein the role configuration compatibility requirements comprise device role configuration compatibility requirements (0024, 0081, 0084-0085).

As per claim 57, Moshir teaches the method of claim 56, wherein the device role configuration compatibility requirements comprise device role history configuration compatibility requirements (0024, 0081, 0084-0085).

As per claim 58, Moshir teaches the method of claim 1, wherein the step of executing the at least one command is limited to entities having an approved access level to execute the at least one command (0070).

As per claim 59, Moshir teaches the method of claim 58, wherein the access to execute the at least one command is defined in an access control list (ACL) (0255).

As per claim 60, Moshir teaches the method of claim 58, wherein the access control list ACL is defined by domain name server (DNS) address of the network device (0255).

As per claim 61, Moshir teaches the method of claim 58, wherein the entity executing the at least one command comprises an agent (0088-0101).

As per claim 62, Moshir teaches the method of claim 61 wherein the access to the agent is limited according to domain name server (DNS) address of the network device (0255).

As per claim 63, Moshir teaches the method of claim 9, wherein the software roles compatibility requirements relate to an IP address of the network device (0255).

As per claim 64, Moshir teaches the method of claim 9, wherein the software roles compatibility requirements relate to IP address compatibility requirements (0046, 0052).

As per claim 65, Moshir teaches the method of claim 1, wherein the step of determining is based upon an identification of a virtual local area network (VLAN) with which said network device is associated (0046, 0052).

### ***Response to Remarks***

Applicant's remarks in the Appeal Brief filed on February 27, 2010 have fully been considered, and are respectfully traversed by the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571/272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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